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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,135	01/17/2002	Milivoje Slobodan Brkovic	13431-9	4768

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EXAMINER

KOBERT, RUSSELL MARC

ART UNIT PAPER NUMBER

2829

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/053,135	Applicant(s) BRKOVIC ET AL.	
	Examiner Russell M Kobert	Art Unit 2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-7 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Prokopp (4926119).

Prokopp anticipates (Figure 1) an apparatus (10) for testing a circuit assembly (col 5, ln 12-22) including a plurality of test pads comprising: a test fixture base (any of or combination of 15, 16 and 17) comprising a plurality of conductive pins (12) having contact surfaces (41) defining a first plane;

a test fixture plate (20) in a plane substantially parallel to said first plane, comprising a plurality of compliant pressure pins (22), the compliant pressure pins substantially aligned with the conductive pins;

each conductive pin (12) having a main pin axis and a contact surface (41) for contacting a pad on the circuit assembly, said main pin axis substantially normal to the circuit assembly;

each compliant pressure pin having a main pressure pin axis and a pressure surface (33), said compliant pressure pin having a resilient compression element (35), wherein the pressure surfaces and the respective contact surfaces are moveable in relation to each other to force the circuit assembly pad onto the contact surface of said conductive pins; as recited in claim 1.

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As to claim 2, having a maximum of three conductive pins is within the scope of the apparatus of Prokopp (note: two pins are shown in Figure 1 as an example).

As to claim 3, having the resilient compression element comprising a spring (35) is clearly shown.

As to claim 5, having each conductive pin comprising a metal selected from the group consisting of brass, copper, nickel, silver, and gold is fully anticipated (col 7, ln 17-21).

As to claim 6, having each conductive pin comprising a cylinder is shown (14).

As to claim 7, having each conductive pin comprising a plurality of cylinders forming a plurality of shoulders (26) for locating said conductive pin in a test fixture base is shown.

As to claims 10-12, the method described is considered the inherent method of using the apparatus of Prokopp.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prokopp (4926119).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have further limited the invention as described in claims 8 and 9 because these claims demonstrate limiting conditions which can be determined by routine experimentation and are considered to be within the scope of the invention as disclosed in Prokopp.

Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation. In re Swain et al., 33 C.C.P.A. (Patents) 1250, 156 F. 2d 239, 70 USPQ 412 ; Minnesota Mining and Mfg. Co. v. Coe, 69 App. D.C. 217, 99 F. 2d 986, 38 USPQ 213 ; Allen et al. v. Coe, 77 App. D. C. 324, 135 F. 2d 11, 57 USPQ 136 .

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prokopp as applied to claim 1 above, and further in view of Shiell (4267506).

Shiell shows a test apparatus (Figure 2) with a pressure pin (10) comprising a resilient compression element (44) made of rubber as mentioned in claim 4.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the compression element of Shiell in place of the compression element of Prokopp to make the claimed invention because the use of a rubber element permits each pin to move vertically a few thousandths of an inch to allow the pin to make point contact with similar gram loading of adjacent pins (col 3, ln 61-68) thereby improving the distribution of forces from all the pins.

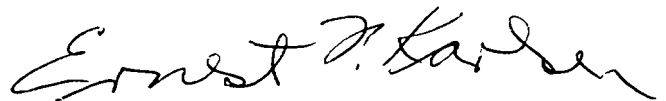
7. A shortened statutory period for response to this action is set to expire three month(s) from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kobert whose telephone number is (703) 308-5222.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Russell M. Kobert
Patent Examiner
Group Art Unit 2829
September 15, 2003



ERNEST KARLSEN
PRIMARY EXAMINER